

**AGENDA**  
**BOARD OF SUPERVISORS' MEETING**  
**DEVIL'S GARDEN WATER CONTROL DISTRICT**  
**JUNE 20, 2023 at 2:30 PM**

1. Call to Order
2. Approve Legal Notice of Meeting
3. Approve the following Minutes:
  - a. Board of Supervisors' Meeting of July 11, 2022
4. Agenda Additions
5. Oath of Office
6. Elect Officers for the District
  - President
  - Secretary
  - Treasurer
7. Treasurer's Report and Receive Audit
  - a. Approve Treasurer's Report and Receive Audit
  - b. Adopt Resolution Transferring Budget Allocations
  - c. Adopt Resolution Amending 2022-2023 Fiscal Year Budget
8. Adopt 2023-2024 Budget and Resolution Adopting Budget and Non-Ad Valorem Assessment Roll
9. Consider Approval of Depository and Appointment of Authorized Signatories on District Accounts and Adopt Resolution
10. Engineer's Report
11. District Operations
12. Adopt Supervisors' Meeting Schedule to be held on the 4<sup>th</sup> Monday each month at 2:00 PM at Barron Water Control District Office
13. Ratification of Actions
14. Other Business
15. Adjourn

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS  
OF DEVIL'S GARDEN WATER CONTROL DISTRICT

YOU ARE HEREBY NOTIFIED that the Meeting of the Board of Supervisors of DEVIL'S GARDEN WATER CONTROL DISTRICT will be held on **June 20, 2023 at 2:30 PM** at the offices of Barron Water Control District, 3293 Dellwood Terrace, LaBelle, FL 33975, for the purpose of:

The purpose of this meeting is to transact any and all business which may come before the Board.

If a person decides to appeal the decision of the Board of Supervisors with respect to any matter considered at the public meeting herein referred, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this proceeding should contact the District at (561) 655-0620 at least five (5) days prior to the date of the proceeding.

DEVIL'S GARDEN WATER CONTROL DISTRICT

PUBLISH: **The News-Press, Fort Myers**

**June 6, 2023**

# The News-Press media group

news-press.com A GANNETT COMPANY

## Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** CALDWELL PACETTI EDWARDS SCHOECH & VIATOR LL

**Ad No.:** 0005710153

**Address:** 1555 PALM BEACH LAKES BLVD., SUITE 1200  
WEST PALM BEACH FL 33401  
USA

**Net Amt :** 131.15

**Run Times:** 1

**No. of Affidavits:** 1

**Run Dates:** 06/06/23

### Text of Ad:

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DEVIL'S GARDEN WATER CONTROL  
DISTRICT  
AD#5710153

Jun. 6, 2023

**MINUTES OF  
DEVIL'S GARDEN WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS MEETING  
JULY 11, 2022**

The Meeting of the Board of Supervisors of Devil's Garden Water Control District was held at the Office of Barron Water Control District, 3293 Dellwood Terrace, LaBelle, FL 33975, at 2:00 P.M. on July 11, 2022.

Present were Daniel Sutton, Rusty Hyslope and Ray Hull, Supervisors; Mr. Tommy Perry, P.E. and Ms. Sommer Foster, P.E. of Johnson-Prewitt and Associates, Inc., District Engineer; Ms. Jayne Hildreth, Treasurer (via teleconference); Jeff Tuscan of Tuscan & Company, PA, Auditor for the District; and Ms. Mary M. Viator, Caldwell Pacetti Edwards Schoech & Viator LLP, Attorney and Secretary for the District were also present. Also in attendance was Mr. Duncan.

**CALL TO ORDER**

The Board of Supervisors Meeting was called to order.

**ADMINISTER OATH OF OFFICE**

The Oath of Office was administered to Mr. Rusty Hyslope.

**ESTABLISHMENT OF QUORUM**

It was announced that a quorum was present and that it was in order to transact any business to come before the Board.

**APPROVAL OF MINUTES**

Board of Supervisors Meeting of June 22, 2021: A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed approving the Minutes of the Board of Supervisors' Meeting of June 22, 2021.

**ELECTION OF OFFICERS**

The Attorney called for the election of officers for the District who were duly elected as follows:

President	Daniel Sutton
Secretary	Mary M. Viator
Treasurer	Jayne Hildreth

**TREASURER’S REPORT AND AUDIT**

The Treasurer and Auditor presented the respective Treasurer’s Report and Audit.

A motion was made by Mr. Hull, seconded by Mr. Hyslope and unanimously passed, ratifying and accepting the Treasurer’s Report and General Purpose Financial Statements together with Reports of the Independent Auditors for the Fiscal Year ending September 30, 2021.

The Board accepted the following Reports which had been discussed in detail at the June 17, 2022 adjourned Landowners Meeting:

- A. Devil’s Garden Water Control District Combined Balance Sheet dated April 30, 2022.
- B. Devil’s Garden Water Control District Projected Cash Carry Forward.
- C. Devil’s Garden Water Control District Projected Combined Statement of Revenues, Expenditures and Changes in Fund Balance – Actual and Budget – General Fund from October 1 through September 30.
- D. Devil’s Garden Water Control District Statement of Revenues & Expenditures 2022/2023 Proposed Budget – General Fund.

**Motion to Adopt Resolution Transferring Budget Allocations**

A motion to adopt a Resolution Transferring Budget Allocations was presented to the Board.

There was a discussion as to the Budget containing certain allocations and that in some instances the allocations will be insufficient to meet the District’s needs. In other cases, the allocations provided will not be needed to meet the expenses as budgeted. The Treasurer requested the Board

pass the Resolution providing that any excess over originally budgeted items, as well as any budgeted contingencies, may be transferred between line items to offset insufficiently budgeted items as long as the overall budget was not exceeded.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the Resolution Transferring Budget Allocations as follows:

DEVIL'S GARDEN WATER CONTROL DISTRICT  
RESOLUTION TRANSFERRING BUDGET ALLOCATIONS

(Copy filed in District records.)

**Adopt Resolution Amending 2021/2022 Fiscal Year Budget**

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the Resolution Amending the 2021/2022 FY Budget to include the Final Audited Fund Balance as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
DEVIL'S GARDEN WATER CONTROL DISTRICT ADOPTING A  
REVISED FISCAL YEAR 2021/2022 BUDGET

(Copy filed in District records.)

**Adopt 2022/2023 Budget and Resolution Adopting Budget and Non-Ad Valorem Assessment**

Following the review of the 2022/2023 Budget and expenditures, the Treasurer presented a proposed 2022/2023 Budget.

At the request of the Auditor, the Board amended the 2022 Cash Carry Forward to the Audited Fund Balance to \$557,711,000.

There followed discussion by the Board to direct the Property Appraiser to include the lands owned by the State and SFWMD on the District's Assessment Roll.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed approving the 2022/2023 Budget as discussed which reflects a \$4.00 per acre Maintenance Assessment against all assessable lands in the District.

**RESOLUTION LEVYING TAX FOR 2022/2023**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS FOR DEVIL'S GARDEN WATER CONTROL DISTRICT:

There is hereby levied, for the taxable year 2022/2023, a Maintenance Assessment of Four Dollars and 00/100 (\$4.00) per acre against all assessable lands in Devil's Garden Water Control District.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the following Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF DEVIL'S GARDEN WATER CONTROL DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN AND THE LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT.

(Copy filed in District records.)

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed authorizing the District's assessments be included on the Non-Ad Valorem Assessment Roll and further authorizing the Hendry County Property Appraiser and Tax Collector to effectuate this matter.

**CONSIDER APPROVAL OF DEPOSITORY AND APPOINTMENT OF AUTHORIZED SIGNATORIES ON THE DISTRICT ACCOUNTS**

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed, authorizing the First Bank of Clewiston as the District's Depository and further designating the following signatories on the District accounts:

Daniel Sutton  
Ray Hull  
Rusty Hyslope

(Copy filed in District records.)

**DISTRICT ENGINEER REPORT**

The District Engineer reported during the past year, assistance to the Devil's Garden Water

Control District has consisted primarily of providing information as requested and responding to inquiries.

The District Engineer continues to monitor Hendry County's progress on the Airport-Sears MSBU status for the District under the 2008 agreement. It is noted the SFWMD application was withdrawn and a new application was submitted on November 12, 2021.

The District Engineer was contacted by the Florida Department of Environmental Protection (FDEP) in 2019 regarding the Basin Management Action Plan (BMAP) requirements for lands within the Caloosahatchee River and Estuary Basin. FDEP required all water control districts to submit a Best Management Practices (BMP's) plan to limit nutrients in the water control district's runoff. A plan for the District was submitted and accepted by FDEP in January 2020. An agenda item for Public Education and Outreach was added to the Landowners' Meetings as a part of the Districts BMP implementation. New landowners need to be enrolled.

As part of the FDEP BMAP BMP implementation for Barron, the District Engineer assists with Public Education and Outreach along with FDACS NOI coordination, when needed.

Section 403.9302, Florida Statutes, requires counties, municipalities and special districts to perform a 20-year needs analysis for wastewater and stormwater. The report is due to the County by June 30, 2022. The County is required to send the compiled reports to the Department of Environmental Protection and the Office of Economic and Demographic Research (EDR) by July 31, 2022. The EDR must publish statewide evaluation by January 1, 2023. Our office is in the process of preparing the analysis, using the template provided from the State, for a timely submittal to Hendry County.

The structures referred to as the Knowles Camp crossing and the KT Grove structure in Section 18 have been replaced.

The SFWMD ROW Staff contacted the District regarding a 60" culvert connecting to the



SFWMD L-2W Canal. ROW staff suggested the culvert needs to be replaced. The culvert is located in Section 1, Township 45 S, Range 34 E. The District Engineer is looking into the validity of this matter.

During September 2021, the District experienced heavy rainfall. The rainfall stressed the system and areas of weakness in the system were discovered. The District Engineer recommends the District continue implementing the maintenance program.

The FWC contacted the District Engineer regarding a failed 48" culvert crossing into their lands in Section 24, Township 44 S, Range 30 E. FWC is requesting this culvert be replaced.

It is noted the largest land owners continue to sell lands within the District. Research associated with a sale, revealed a constructed District works, known as the Tower Canal, was not covered by a District easement. Alico granted an easement to the District for this canal.

The SFWMD ROW staff contacted the District regarding a 60" culvert connecting to the SFWMD L-2W Canal. ROW staff suggested the culvert needs to be replaced. The culvert is located in Section 1, Township 45 S, Range 34 E. We are looking into the validity of this matter.

During September 2021, the District experienced heavy rainfall. The rainfall stressed the system and areas of weakness in the system were discovered. We recommend the District continue implementing the maintenance program.

The FWC contacted our office regarding a failed 48" culvert crossing into their lands in Section 24, Township 44 S, Range 30 E. FWC is requesting this culvert be replaced.

It was noted the largest landowner continues to sell lands within the District. Research associated with a sale, revealed a constructed District works, known as the Tower Canal, was not covered by a District easement. Alico granted an easement to the District for this canal.

#### **ATTORNEY'S REPORT**

Financial Disclosures: The Attorney explained the Supervisors were required to file Financial

Disclosures by July 1<sup>st</sup> and informed the Supervisors of their obligations as elected officials to file certain financial disclosure forms with their respective Supervisor of Elections.

**DISTRICT OPERATIONS**

The Board discussed the Operations of the District. No further Projects were planned except for possible spraying.

**ADOPT SUPERVISORS' MEETING SCHEDULE**

Upon motion by Mr. Hyslope, and seconded by Mr. Hull, the Board unanimously approved, the Board of Supervisors Regular Meeting Schedule for the fourth Monday of each month at 2:00 P.M. at the Offices of Barron Water Control District, 3293 Dellwood Terrace, Labelle, Florida. In the event the fourth Monday of the month fell on a holiday, the Meeting would be held on the next business day.

**RATIFICATION OF ACTIONS**

A motion was requested to ratify the activities of the Staff and Professionals since the last ratification of actions at the June 22, 2021 Board of Supervisors Meeting.

A motion was made by Mr. Hull, seconded by Mr. Hyslope and unanimously passed, ratifying the actions of the District's Staff and Professionals taken since June 22, 2021.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

OATH OF OFFICE

I, DANIEL K. SUTTON, hereby solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will honestly, faithfully and impartially perform the duties as a member of the Board of Supervisors of DEVIL'S GARDEN WATER CONTROL DISTRICT on which I am now about to enter. I will not neglect any of the duties imposed upon me by law and continue in office until a successor qualifies.

\_\_\_\_\_  
DANIEL K. SUTTON

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

SWORN, SUBSCRIBED AND ACKNOWLEDGED before me, by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by DANIEL K. SUTTON, ( ) who is personally known to me or ( ) who has produced \_\_\_\_\_ as identification.

(NOTARY STAMP)

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My \_\_\_\_\_ Commission Expires: \_\_\_\_\_  
Commission No: \_\_\_\_\_

DEVIL'S GARDEN WATER CONTROL DISTRICT  
RESOLUTION TRANSFERRING BUDGET ALLOCATIONS

WHEREAS, in the 2022/2023 Devil's Garden Water Control District Budget, certain allocations were set; and

WHEREAS, it does now appear to this Board that the allocations will, in some cases, be insufficient to meet the need, while, in other cases, the allocations provided will not be needed to meet the expense.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Devil's Garden Water Control District that any excess over originally budgeted items, as well as any budgeted contingencies, may be transferred between line items to offset insufficiently budgeted items, so long as the overall budget is not exceeded.

This Resolution passed and adopted this \_\_\_\_ day of June 2023.

DEVIL'S GARDEN WATER CONTROL DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

(DISTRICT SEAL)

By: \_\_\_\_\_  
Secretary

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
DEVIL'S GARDEN WATER CONTROL DISTRICT  
ADOPTING A REVISED FISCAL YEAR  
2022/2023 BUDGET**

WHEREAS, the Board of Supervisors of the Devil's Garden Water Control District (hereinafter called District) is authorized to impose special assessments upon the properties within the District; and

WHEREAS, the District has prepared a revised Fiscal Year 2022/2023 Budget.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE DEVIL'S GARDEN WATER CONTROL DISTRICT THAT:**

**Section 1.** The Revised Budget for Fiscal Year 2022/2023 attached hereto as Exhibit "A" is hereby approved and adopted.

**Section 2.** The Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

This Resolution passed and adopted this \_\_\_\_ day of June 2023.

DEVIL'S GARDEN WATER CONTROL DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

(DISTRICT SEAL)

By: \_\_\_\_\_  
Secretary

RESOLUTION OF THE BOARD OF SUPERVISORS OF DEVIL'S GARDEN  
WATER CONTROL DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-  
AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN AND THE  
LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT.

WHEREAS, specified provisions of Chapter 298, Florida Statutes, provide that the Board of Supervisors of Devil's Garden Water Control District shall consider and adopt an annual budget for the District; and

WHEREAS, specified provisions of Chapter 298, Florida Statutes, provide that the Board of Supervisors, in accordance with the District's budget, shall levy non-ad valorem assessments upon designated lands lying within the jurisdictional boundaries of the District; and

NOW, THEREFORE, be it resolved by the Board of Supervisors of Devil's Garden Water Control District as follows:

1. That the proposed budget attached hereto is hereby made a part hereof and adopted as the budget for the District's Fiscal Year 2023/2024, except as said budget may be otherwise modified or adjusted in accordance with the laws of the State of Florida.

2. That the District's non-ad valorem special assessments shall be levied in accordance with the hereinabove adopted budget, except as said levy may be otherwise modified or adjusted in accordance with the laws of the State of Florida.

This Resolution passed and adopted this \_\_\_\_ day of JUNE 2023.

DEVIL'S GARDEN WATER CONTROL DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

(DISTRICT SEAL)

By: \_\_\_\_\_  
Secretary

**DEVIL'S GARDEN WATER CONTROL DISTRICT  
STATEMENT OF REVENUES & EXPENDITURES  
2023/2024 PRELIMINARY BUDGET - GENERAL FUND**

<b>Revenues</b>	
Maintenance taxes (gross)	\$ 372,151
Less: Discounts	(11,165)
Maintenance taxes (gross)	<u>360,987</u>
Interest	1,200
Other	6,500
<b>Total Revenues</b>	<u><u>368,687</u></u>
<b>Expenditures</b>	
<b>Current</b>	
General government - administration	
Operating expenditures	
Fees- legal notices/banking/other	250
Accounting fees	10,000
Consulting	8,500
Tax collection fees	3,722
Engineering fees	12,000
Insurance	7,500
Membership fees	175
Legal fees	27,000
Miscellaneous	7,000
<b>Total Administrative Expenses</b>	<u><u>76,147</u></u>
<b>Physical environment</b>	
<b>Field operations</b>	
Operating expenditures	
Canal spraying	30,000
Canal usage and capital payments to CSWCD	72,442
Repairs and maintenance	100,000
<b>Total Field Operations</b>	<u><u>202,442</u></u>
Capital Outlay	150,000
Contingency	20,000
Reserve assigned	250,000
Reserve unassigned	-
	<u>420,000</u>
<b>Total Expenditures</b>	<u><u>698,589</u></u>
<b>Excess of Expenditures over Revenues</b>	<u><u>(329,902)</u></u>
<b>Total Revenues Fiscal Year 2023</b>	<u><u>\$ 368,687</u></u>
<b>Projected Fund Balance at September 30, 2023</b>	<u><u>598,731</u></u>
<b>Projected Fund Balance at September 30, 2024</b>	<u><u>\$ 268,829</u></u>

*The Board of Supervisors designated the use of any remaining unreserved fund*

**DEVIL'S GARDEN WATER CONTROL DISTRICT  
PRELIMINARY TAX ASSESSMENT FOR 2023/2024**

Net Taxable Acreage		85,552
 Operating Funds Required:		
Expenses & Capital needs	\$	698,589
Less: Projected cash carryforward		(348,731)
Projected assessment needed	\$	<u>349,857</u>
 <i>Calculated rate:</i>		
349,857	372,189	\$ 4.35
		<b>Suggested rate:</b>
		<u><u>\$4.35</u></u>
85,882 Acres x \$4.35 rate	\$	372,151
Less: 4% Discount for Taxes Early Payment		(11,165)
Less: 1% Property Appraiser & Tax Collector fees		(3,722)
<b>GRAND TOTAL:</b>	<b>\$</b>	<b><u><u>357,265</u></u></b>
<b>TOTAL PER ACRE:</b>	<b>\$</b>	<b><u><u>4.35</u></u></b>

*The balance of funding is to be provided by the use of unreserved undesignated funds.*